

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JUSTIN WEIBLE,

Plaintiff,

vs.

KEVIN PROVOST, *et al.*,

Defendants.

Case No.: 2:22-cv-00812-GMN-EJY

ORDER

Pending before the Court is the Report and Recommendation (“R&R”), (ECF No. 11), of United States Magistrate Judge Elayna J. Youchah, which recommends dismissing certain claims in Plaintiff Justin Weible’s (“Plaintiff’s”) First Amended Complaint, (ECF No. 7), granting Plaintiff an opportunity to file a second amended complaint, and dismissing his First Amended Complaint if Plaintiff does not file a second amended complaint.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (citing 28 U.S.C. § 636(b)(1)). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s R&R where no objections have been filed. *See, e.g., United States v. Reyna-Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

1 Here, no objections were filed, and the deadline to do so has passed. (*See* Min. Order,
2 ECF No. 11) (setting an October 11, 2022, deadline for objections). In addition, Plaintiff had
3 until October 31, 2022, to file his second amended complaint to avoid dismissal but did not do
4 so. (*See* R&R 12:9–21, ECF No. 11).

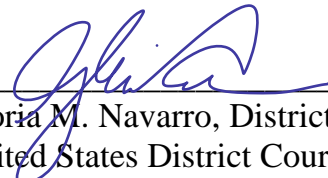
5 Accordingly,

6 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 11), is
7 **ACCEPTED and ADOPTED** in full.

8 **IT IS FURTHER ORDERED** that Plaintiffs' First Amended Complaint, (ECF No. 7),
9 is dismissed without prejudice and without leave to amend.

10 **IT IS FURTHER ORDERED** that the Clerk is instructed to close the case.

11 Dated this 1 day of November, 2022.

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15 Gloria M. Navarro, District Judge
16 United States District Court
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